Criminal Misc. Application No. 8
of 2003

Hon. Irshad Hussain, J.

Heard.

This is an application under section 407 of the Code of Criminal Procedure for transfer if the trial from District Chamoli to some other place, preferably Dehradun because the petitioner-accused is a patient of chronic bronchial asthma with congestive cardiac failure. In support of the contention a certificate dated 21.01.2003, annexure-2 to this petition has been filed. There is no medical report indicating that it is a case of chronic bronchial asthma and heart disease. Considering this, the certificate appears to be got-up one and there is no cogent ground for transfer of the trial on medical ground. It is also significant that all the witnesses reside in the district of Chamoli and for this reason also it will not be just and proper to transfer the trial. The application is dismissed accordingly.

(Irshad Hussain, J.)

25.03.03/B.